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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

CHASOM BROWN, *et al.*,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**JOINT MOTION FOR ISSUANCE OF  
LETTER OF REQUEST FOR  
INTERNATIONAL JUDICIAL  
ASSISTANCE AND APPOINTMENT OF  
COMMISSIONERS TO TAKE  
EVIDENCE PURSUANT TO CHAPTER  
II, ARTICLE 17 OF THE HAGUE  
CONVENTION OF 18 MARCH 1970 ON  
THE TAKING OF EVIDENCE ABROAD  
IN CIVIL OR COMMERCIAL MATTERS**

Judge: Honorable Lucy H. Koh

1 December 20, 2021

2 Submitted via ECF

3 Judge Hon. Lucy H. Koh  
4 San Jose Courthouse  
5 Courtroom 8 - 4th Floor  
6 280 South 1st Street  
7 San Jose, CA 95113

8 Re: Joint Submission for Issuance of Letter of Request for International Judicial  
9 Assistance  
10 *Brown v. Google LLC*, Case No. 5:20-cv-03664-LHK-SVK (N.D. Cal.)

11 Dear Judge Koh:

12 The parties in the above-referenced action seek the Court's assistance in order to take  
13 deposition testimony from witness Ramin Halavati in Switzerland. Mr. Halavati, a Software  
14 Engineer at Google LLC, is a fact witness who will offer testimony relevant to this action. However,  
15 because of the COVID-19 pandemic, Mr. Halavati will not travel to the U.S. for a deposition.  
16 Accordingly, the parties have agreed to conduct a remote live video deposition of Mr. Halavati in  
17 Switzerland, but the parties must first meet certain foreign discovery conditions pursuant to the  
18 Hague Convention.

19 Switzerland, as a party to the Hague Convention, requires litigants to obtain permission from  
20 the Federal Office of Justice before taking deposition testimony of a witness located in Switzerland.  
21 To obtain such permission, the parties must have a United States District Court (1) appoint a Swiss  
22 commissioner and appoint representatives for the parties who will participate in the deposition as  
23 commissioners, and (2) request judicial assistance from the applicable Swiss authorities.

24 To that end, we write to request that the Court grant the parties' Joint Motion for Issuance  
25 of Letter of Request for International Judicial Assistance and Appointment Of Commissioners to  
26 Take Evidence Pursuant to Chapter II, Article 17 of The Hague Convention of 18 March 1970 on  
27 the Taking of Evidence Abroad in Civil or Commercial Matters. The parties have agreed that Remo  
28 Decurtins, a Swiss attorney representing the Defendants, will be appointed Swiss commissioner.  
The parties have also agreed that Beko Reblitz-Richardson will be appointed commissioner for  
Plaintiffs and Josef Ansoerge will be appointed commissioner for Google.

Thank you for Your Honor's kind attention to this matter.

1 Plaintiffs and Defendant, Google LLC (hereinafter “Google”) hereby move the Court  
 2 pursuant to Fed. R. Civ. P. 28(b) for entry of an order (the “Order”):

- 3 (1) Appointing Beko Reblitz-Richardson on behalf of Plaintiffs and Josef Ansorge on behalf  
 4 of Google, as commissioners (together, the “Commissioners”), pending the approval of  
 5 the Swiss authorities, to conduct the examination of individual witness Ramin Halavati  
 6 in Switzerland pursuant to Chapter II, Article 17 of the Hague Convention of 18 March  
 7 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, T.I.A.S. No.  
 8 7444, 23 U.S.T. 2555 (“Chapter II of the Hague Convention”);
- 9 (2) Appointing Remo Decurtins as commissioner (the “Swiss Commissioner”), pending the  
 10 approval of the Swiss authorities, to supervise the examination of individual witness  
 11 Ramin Halavati in Switzerland pursuant to Chapter II of the Hague Convention;
- 12 (3) Issuing a Letter of Request for International Judicial Assistance (“Letter of Request”)  
 13 pursuant to 28 U.S.C. § 1781 and Chapter II of the Hague Convention;
- 14 (4) Directing submission of the Letter of Request for Assistance to the Swiss Federal Office  
 15 of Justice (“FOJ”) via the Cantonal Court of Zürich for the purpose of approving the  
 16 appointment of the Commissioner; and
- 17 (5) Granting such other and further relief as this Court may deem just and proper.

18 The parties have agreed to use the procedures of Chapter II of the Hague Convention to  
 19 facilitate the deposition of Ramin Halavati in Switzerland, who has consented to being deposed  
 20 there via remote means. Under Chapter II, a deposition is supervised by a Swiss commissioner and  
 21 conducted by commissioners representing the parties and duly appointed by the Court in the U.S.  
 22 proceeding, all of whom are authorized to proceed by the FOJ at the request of the U.S. tribunal.  
 23 This procedure will not restrict the scope of discovery otherwise permissible under the Federal Rules  
 24 of Civil Procedure.

25 The steps to proceed under Chapter II of the Hague Convention are as follows:

- 26 1. The Court must duly appoint one or several commissioner(s) for the purpose of taking  
 27 evidence abroad. A proposed order for the Court to appoint commissioners is attached hereto  
 28 as Exhibit A (the “Proposed Order”).

2. The Court must issue a Letter of Request to the FOJ for authorization to take evidence abroad. A proposed Letter of Request is attached hereto as Exhibit B (the “Proposed Letter of Request”).
3. The necessary application for authorization (the “Swiss Application”), with the Proposed Order and the Proposed Letter of Request attached to it, must be filed with the FOJ via the Central Authority in the canton where the evidence is to be taken, *i.e.*, the High Court of the Canton of Zurich, International Judicial Assistance, Hirschengraben 13/15, 8021 Zurich 1, Switzerland.<sup>1</sup> Defendant will undertake this step if the Court grants the instant motion.
4. Upon approval from the FOJ and subject to the terms contained in the Proposed Letter of Request and/or the Swiss Application, the parties will arrange for a live video deposition. Remo Decurtins will be present in person at the deposition of Mr. Halavati to supervise proceedings.
5. The deposition will take place at the Swiss offices of Quinn Emanuel at Dufourstrasse 29, 8008 Zürich, Switzerland. Mr. Ramin Halavati has agreed to voluntarily comply by proceeding pursuant to Chapter II of the Hague Convention.
6. Neither the entry of the Proposed Order, the Proposed Letter of Request, the submission of the Swiss Application nor the conduct of the deposition pursuant to Chapter II of the Hague Convention shall constitute or operate as a waiver of the attorney-client privilege, the work product doctrine, or any other privileges, rights, protections, or objections that may apply to that evidence under the laws of Switzerland, or of the United States, nor as a concession that any assertion of any such privilege, right, protection, or objection is necessarily valid.

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<sup>1</sup> The application is sent to the competent Central Authority, *i.e.*, the High Court of the Canton of Zurich, International Judicial Assistance, Hirschengraben 13/15, 8021 Zurich 1, Switzerland. After examining the Request, the Central Authority will forward the application to the FOJ.

1 DATED: December 20, 2021

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*Attorneys for Plaintiffs*

**ATTESTATION OF CONCURRENCE**

I am the ECF user whose ID and password are being used to file this Joint Motion for Issuance of Letter of Request for International Judicial Assistance and Appointment of Commissioners to Take Evidence Pursuant to Chapter II, Article 17 of The Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters. Pursuant to Civil L.R. 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in the filing of this document

Dated: December 20, 2021

By /s/ Andrew H. Schapiro

Andrew H. Schapiro

*Counsel on behalf of Google*